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Richard A. Han

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PAUL W. MARTIN

NCR CORPORATION, LAW DEPT.

3097 SATELLITE BLVD., 2nd FLOOR

DULUTH, GA 30096

EXAMINER

MOORTHY, ARAVIND K

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD A. HAN, MARK ATKINSON, and LYNN MILBY

Appeal 2009-014055
Application 10/691,216
Technology Center 2400

Before MAHSHID D. SAADAT, ALLEN R. MACDONALD, and
ERIC B. CHEN, *Administrative Patent Judges*.

CHEN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1-10 and 12-20. Claim 11 has been cancelled. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

STATEMENT OF THE CASE

Appellants' invention relates to a system for controlling access to or distribution of software and/or data among a plurality of client nodes. The system includes a store for storing software that is available to pre-determined client nodes with a list of identifiers that uniquely identifies one of the pre-determined nodes. A client application at each client node is configured to identify whether the unique identifier for that node is included on the list and install or run the software only if the unique identifier is on the list of identifiers. (Abstract.)

Claim 1 is exemplary, with disputed limitations in italics:

1. A system for a licensee to control access to or distribution of software and/or data among a plurality of client nodes, the system comprising:

means for storing software and/or data that is to be made available to predetermined licensed client nodes, each client node of the plurality of client nodes being a data processing device for which access to specified software or data may be allowed if licensed, and for storing a list of identifiers for licensed client nodes, each identifier uniquely identifying one of the predetermined nodes, the presence of each identifier on the list authorizing the predetermined client node associated with the identifier to be allowed access to the software and/or data; and

a client application at each client node, the client application performing authentication taking place at the client node, authentication being accomplished by comparing the client identifier for the node against the list and allowing or rejecting access to the software and/or data by the client node at which the client application

resides based on evaluation by the client application at the client node as to whether the identifier of the client node appears in the list.

Claims 1-10 and 12-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hauck (U.S. Patent No. 7,249,262 B2, Jul. 24, 2007).

ANALYSIS

We are not persuaded by Appellants' arguments (Br. 6-7) that Hauck does not describe the claim limitation "a client application at each client node, the client application performing authentication taking place at the client node, authentication being accomplished by comparing the client identifier for the node against the list," as recited in independent claim 1.

The Examiner found that the temporary storage table of Hauck corresponds to the claimed "list of identifiers." (Ans. 3-4.) The Examiner also found that the dynamic link library (DLL) of Hauck corresponds to the claimed "client application at each client node, the client application performing authentication taking place at the client node, authentication being accomplished by comparing the client identifier for the node against the list." (Ans. 4-5, 11.) We agree with the Examiner.

Hauck relates to "a client/server user authentication system used with Internet or intranet Web sites and/or Web pages that require a higher degree of security. . . ." (Col. 5, ll. 12-15.) As illustrated in Figure 1 of Hauck, three client machines 10, 12 and 14 are interconnected with a central computer 15 by a network 18. (Col. 5, ll. 28-31.) Hauck describes that a server administrator installs a programming code library (e.g., a dynamic link library or DLL) that is used to query a temporary storage table (i.e., the claimed "list of identifiers") containing session identifiers for authorized client machines. (Col. 5, ll. 40-44.) Hauck further describes that "[e]ach

protected Web site . . . has a unique dynamic link library (DLL) associated therewith . . .” and that “[t]his DLL is sometimes referred to . . . as a ‘client machine key’, and it is this DLL that generates the machine-specific identifier for the user’s client machine” (Col. 7, 23-28.) In other words, because the DLL of Hauck is stored on the client machines and authenticates the query by accessing the temporary storage table, Hauck describes “a client application at each client node, the client application performing authentication taking place at the client node, authentication being accomplished by comparing the client identifier for the node against the list,” as recited in claim 1.

Appellants argue that “Hauck does not teach . . . that the client side application controls access to protected content, and does not teach that this client side application compares the client machine identifier against a list before allowing access to content.” (Br. 6.) In particular, Appellants argue that “[t]his process [of Hauck] does not involve comparison of the client machine identifier against a list, and Hauck makes it clear that the server receives information from a client machine and compares the client machine information against a storage table in granting or denying requests for content.” (Br. 6.) However, this argument is not commensurate in scope with claim 1. As discussed previously, the DLL of Hauck (i.e., the claimed “client application”) is installed in the authorized client machines and performs authentication at the “client node,” as claimed. Although the temporary storage table of Hauck (i.e., the claimed “list of identifiers”) is stored on the server computer, the claim does not expressly require the “list of identifiers” to be stored at the “client node.”

Therefore, we agree with the Examiner that Hauck describes the claim limitation “client application at each client node, the client application performing authentication taking place at the client node, authentication being accomplished by comparing the client identifier for the node against the list.”

Accordingly, we sustain the rejection of independent claim 1 under 35 U.S.C. § 102(e). Claims 2-8 depend from independent claim 1 and Appellants have not presented any substantive arguments with respect to these claims. Therefore, we sustain the rejection of claims 2-8 under 35 U.S.C. § 102(e) for the same reasons discussed with respect to independent claim 1.

Independent claims 9, 10, 13 and 16 recite limitations similar to those discussed with respect to independent claim 1, and Appellants have not presented any substantive arguments with respect to these claims. We sustain the rejection of claims 9, 10, 13 and 16, as well as claims 12, 14, 15 and 17-20, which depend from claims 10, 13 and 16, for the same reasons discussed with respect to claim 1.

DECISION

The Examiner’s decision to reject claims 1-10 and 12-20 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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